

ON
THE ALIEN BILL

BY

AN ALIEN.

*“ One law and one manner shall be
for you, and for the stranger that
sojourneth with you.”*

Numbers xv. 15.

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ON
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HAD the English Ministers, when they condemned foreigners resident in this country to a condition the most precarious, and subjected them to removal at pleasure, rested their measures upon interests exclusively English, an alien could scarcely have ventured to reply. But when, to justify and embellish their doctrine, they ransack ancient and modern history, compare the governments of antiquity with those of modern times, and quote poetry* as well as sober prose, a foreigner residing in England, and consequently an Englishman himself, at least *pro*

* Among the quotations, a very singular one was the well-known line of Dante,

“*Lasciate ogni speranza, o voi ch’ entrate—*”

which, after having been metamorphosed into “Leave all your plots behind you, O ye who enter England,” was applied to those who had taken refuge in this country from political motives. Had Dante, who was himself exiled for his political opinions, and who plotted through the whole course of his life, been now in existence, it is doubtful which would have been the greater, his astonishment at so violent a distortion of his verse, or his admiration at so fine a parody—the entrance into England compared with that into Hell!

*tempore**, may be allowed to bring before the public notice some authorities, instances and arguments, opposed to the propositions of the Minister.

The Holy Scriptures, whether regarded as the most ancient of all historical records, as the authority and rule of doctrine for Christians of every communion, or, lastly, as containing maxims of excellent polity, may, it is presumed, be quoted, not only without giving any umbrage, but even with considerable gratification, for a public so rich in Bible Societies as that of England.

The following are a few quotations extracted from these books :

One law shall be to him that is homeborn, and unto the stranger that sojourneth among you. Exodus xii. 49.

Ye shall have one ordinance, both for the stranger and for him that was born in the land. Numbers ix. 14.

One ordinance shall be both for you of the congregation, and also for the stranger that sojourneth with you, an ordinance for ever in your generations; as ye are, so shall the stranger be before the Lord. Ibid. xv. 15.

One law and one manner shall be for you, and for the stranger that sojourneth with you. Ibid. 16.

Ye shall have one law for him that sinneth through ignorance; both for him that is born among the children of Israel, and for the stranger that sojourneth among them. Ibid. 29.

And I charged your judges at that time, saying,

* This proposition will be proved in the sequel.

*Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him. Deut. i. 16.**

The passages just adduced prove, that if the chosen people of God did not confer *all* the privileges of natives upon foreigners residing among them, they at least did not act against them *summarily*; and that, in the enjoyment of those rights which were granted to them, they were upon an equal footing with the natives, were treated in the same manner, with the same consideration, according to the same ordinances, and especially, that for all the administration of justice was the same.

Let us, however, leave sacred history, and pass on to profane. Much stress has been laid upon the example of Sparta and Athens, where foreigners were undoubtedly treated with great severity; but the opinion of Tacitus, that this very severity was the cause of the short duration of those republics, was passed over in silence †.

The Romans of the earlier ages have likewise been adduced. It might also have been observed, that they looked upon foreigners not only as barbarians, but even as enemies; for in the Roman

* Numerous other texts prescribe that the stranger shall be loved, assisted, and treated in every respect as the Levite, the orphan and the widow. See Deut. x. 17, 18, 19. Ibid. xiv. 29. Ibid. xvi. 11, 13, 14. These respect the rights and duties of individuals towards each other; the passages above quoted concern public rights and duties.

† "Quid aliud exitio Lacedæmonis et Atheniensibus fuit, quamquam armis pollerent, nisi quod victos pro alienigenis arcebant?" Tacit. Annal. lib. xi. Nicholas Craig, author of an excellent work on the Republic of Sparta, is of the same opinion.

tongue, the same word signified both foreigner and enemy: *Peregrinus antea dictus hostis* *.

Why were not the Scythians mentioned, who first massacred foreigners, and then ate them? Why forget some American tribes, who formerly did, and perhaps still do the same?

But of what avail are these instances, drawn from a state of barbarism, or from a very backward state of civilization? It is in proportion to the advancement of knowledge, that foreigners, either among the ancients or moderns, have experienced treatment more humane, more benevolent, more approximating to, if not identically the same with, that of the natives of the country.

Alexander the Great declared by an edict, that all virtuous men were not only fellow-citizens, but that they ought to be considered as kinsmen, and that the wicked alone should be regarded as strangers.

Cicero blames the laws which, in different consulates, had been made against foreigners. "Unjustly too," says he, "do they act, who refuse strangers the freedom of cities. It may be just, that a man should not be received as a citizen, who is not a citizen; but wholly to exclude strangers from the cities, is plainly against the dictates of humanity †."

In the latter ages, the Roman emperors conferred the rights of citizenship upon all the inhabitants of the empire ‡.

* Cicero.

† "Male, qui peregrinos urbibus uti prohibent; nam esse pro cive, qui civis non sit, rectum est non licere; usu vero urbis prohibere peregrinos, satis inhumanum est." Cicero de Offic. lib. 3. See Appendix, note A.

‡ See upon this subject, the *Authent.* "Omnes peregrini,"

Even the barbarians of the North, after having established themselves in the West, were not long in framing laws very favourable to foreigners. During that period of the middle ages, so justly denominated by the historian Müller, the ages of concealed merit, foreigners were everywhere received with welcome in the different cities, or walled bo-

hereafter quoted.—*In orbe Romano qui sunt, ex Constitutione Antonini Cives Romani effecti sunt.* Leg. 17, dig. *De Statu Hominum.*

Antoninus Pius, the promulgator of the above quoted decree, lived about the middle of the second century of the vulgar æra. I hope it will not be said, that the Roman empire was at that time a newly-formed state, and that it was on that account that foreigners were incorporated with the Romans. From the time of Romulus to the fall of the empire, the policy of the Romans, in this respect, was constantly the same—that of extending the rights of citizenship as far as their dominion. The principles of this policy are admirably investigated and developed by Tacitus, in the 11th book of his Annals :

“ Under the consulate,” says he, “ of Aulus Vitellius and Lucius Vipsanius, the mode of filling the vacancies in the senate became the subject of debate ; and as the nobility of that part of Gaul styled *Gallia Comata*, who had for some time enjoyed the privileges of Roman citizens, claimed on this occasion a right to the magistracy and to all civil honours ; warm discussions arose upon the subject. Many, even in the imperial presence, strongly opposed it. They said that ‘ Italy was not so barren of men but she could well supply the capital with fit and able senators ; that in former times, Rome was content with the citizens born within her walls,—with the people of her blood,—and that there was no reason to condemn the practice of the old republic ; that the prodigies of glory, and the models of virtue, which had so ennobled the antique times, were still the theme of admiration. Was it not enough, that the Venetians and Insubrians had forced their way into the senate, without also introducing a host of foreigners, as into a conquered city ? ’ These

roughs of France, Switzerland, Savoy and Italy. It was the custom in several of these cities and boroughs, that every person, whatever his original condition, who had been a peaceable inhabitant for a year and a day, should be allowed to take an oath

and similar arguments made no impression on the mind of the prince (the emperor Claudius), who, in the assembled senate, immediately replied in these words, 'Clausus, by birth a Sabine, from whom I descend, was admitted on one and the same day to the freedom of Rome and to the patrician rank. This domestic example holds out the same course for me to follow, by transplanting into the senate the most illustrious men produced by every country. Need I observe, that to Alba we are indebted for the Julii, to Camerium for the Corruccani, and to Tusculum for the Portii? Without searching into the records of antiquity, we know that the nobles of Etruria, of Lucania, and, in short, of all Italy, have been incorporated with the Roman senate. The Alps, in the course of time, were made the boundaries of the city; and by that extension of our privileges, not individuals alone, but whole nations were naturalized at once, and blended with the Roman name. It was in a period of profound tranquillity at home, and of glory abroad, that the people beyond the Po were admitted to their freedom. The Balbi came from Spain, and others of equal eminence from Narbon Gaul; have we any reason to repent of this accession to our country? The descendants of those illustrious families still exist, and can Rome boast of citizens more devoted? To what shall we attribute the downfall of Sparta and of Athens, in spite of the glory of their arms? To what, but to the injudicious policy of considering the vanquished as aliens to their country? while our founder Romulus, far more wise, saw those who had been his enemies at the dawn of day, converted into friends ere the fall of night.'"

The question in this case was different: but many arguments adduced above bear also upon the general question, viz. whether foreigners ought to be easily admitted into the rights and privileges of citizenship.

of fidelity to the community, and be admitted to the privileges of a free citizen. From that moment, all the citizens were bound to defend him, both in his person and property, against any aggression. He, moreover, from that moment enjoyed the right of disposing of his property by will, without any baron or lord having the power of preferring any claim upon that property, either by escheat, or by any other feudal rights. If no heir to the property appeared, the syndics of the town, or borough, drew up an inventory of it, kept it untouched for a year and a day, and then delivered it over to the next claimant; and in default of heirs, it was divided amongst the poor.

In the sixteenth century, absolute power (which is also a species of barbarism, or which quickly leads to it,) had taken firm footing in Europe: this on the one hand, and religious dissensions on the other, produced in some countries changes unfavourable to foreigners. The predominant ideas, however, were still the same. It was only thought expedient in some particular cases to yield to the force of circumstances,—or rather they were sacrificed to some caprice of absolute power.

These ideas, still prevalent in the times which I have just mentioned, are so well elucidated in a requisition made by an attorney-general of Emanuel Philibert, duke of Savoy, (Jean Perraton,) that I cannot omit quoting some of the observations contained in it. This requisition was made in the year 1567 to the senate of Chambery, for the purpose of passing an edict (dated the 6th of April of the same year), the object of which was the exclusion of cer-

tain classes of foreigners*. This attorney-general says: *That the ancients decided and held, that provinces, countries, and cities were common to every individual, for the purposes of intercourse, traffic, and habitation, under the same security and conditions, both for the original and long-settled natives and the recently arrived strangers.*

That Cicero observed, in the third book of his Offices†, that it was inhuman to drive away foreigners, and not permit them to enjoy the privileges of other citizens.

That Baldus says, Tit. de Pac. Const. §. Imperialis de Feud.: That the city holds its name from its new as well as from its ancient citizens; and that the popular body is formed of both these classes.

That the emperor, in the Auth. "Omnes peregrini," Cod. Communia de Successionibus‡, favours them so far as even to allow them to establish them-

* The spirit of the age may be the more safely deduced from this requisition, inasmuch as the Duke Emanuel Philibert, nephew to the Emperor Charles V., at the head of whose armies he had gained the famous battle of St. Quintin, had just then recently recovered his estates, situated partly on this side the Alps, between Switzerland and France, and partly in Italy; inasmuch also as these states had been previously, for about the space of twenty-two years, governed as French provinces. Hence it may easily be inferred, that the ideas then prevailing in a court of justice in Savoy, were the same as those pervading France, Italy, and Switzerland.

† This is the passage before quoted.

‡ "Omnes peregrini et advenæ libere hospitentur, ubi voluerint, et hospitati, si testari voluerint de rebus suis, liberam ordinandi habeant facultatem."

selves and to inhabit wherever they wish ; to make their will, and to dispose of their property.

That such new comers and strangers being once received, cannot be expelled ; for such an act would be equivalent to banishment and exile.

After these considerations, the attorney-general endeavours to justify the provisions of the edict, as we have before observed, on account of the circumstances of the times, and the peculiar situation of the States of Savoy*.

In this requisition, three propositions are well deserving of attention. These, disengaged from the facts and authorities with which they are mingled, may be reduced to the following simple terms :

First Proposition. *The whole earth is common to all men, for the purposes of intercourse, traffic, and habitation. Both natives and foreigners should enjoy the same security and condition.*

Second Proposition. *Strangers resident in a country consequently become members of the city, which holds its name from its new as well as its ancient citizens ; and the popular body is formed of both these classes.*

Third Proposition. *Strangers once received cannot be expelled, without a regular trial ; for such an act would be equivalent to exile and banishment.*

Let not these propositions be a matter of surprise ! We shall soon see, that the principle of each of them is recognised by the Laws and Constitution of En-

* This requisition is extant in a book entitled, *Stil et Règlement de la Justice &c. dressé par le Souverain Senat de Savoie*, page 91.

gland, although all the consequences are not admitted, and although in this, as well as in every part of the Constitution, the principle has been violated by several of the kings anterior to the Revolution of 1688*.

It is easy to show, in the first place, that the above three propositions are perfectly consistent with sound reason, and with the nature of human society. In fact, upon what grounds could such a division of the earth be defended, as would prohibit one portion of the human race from coming thither, for the purposes of habitation, intercourse, and traffic? Would man, then, be confined within a space more circumscribed than the brutes? By what right could a few individuals arrogate to themselves a territory, and interdict it to their fellow men? Are not the land and the sea free to all living creatures? Have they not been given in common to all, by Nature?

In vain will the right of prior occupation be advanced. *Occupation is an act* †, *not a right*; and this act may be annulled by a subsequent one. So that, if it be pretended absolutely to connect the right

* The decrees of Henry IV, of Queen Elizabeth, of James I., against foreigners have been brought forward. These arbitrary Acts no more prove the spirit of the English Constitution, than the sentences of the Star-chamber prove that the administration of justice in that tribunal was conformable to the spirit of the Constitution. Since 1688, that is to say, since the Constitution assumed a form much more regular and consistent, the only measure adopted against foreigners was the *Alien Bill*, proposed for the first time at the period of the French revolution.

† In the accurate and expressive language of Bentham, an *investitive event*.

with the act, in order that the right may be permanent, the act should be so likewise.

Reason admits the division of lands, as far as relates to private property ; for otherwise there would be neither culture, nor building, nor all that is necessary for the support of social man.

Reason also admits the political division of political states, as far as relates to the jurisdiction and the defence of the territory belonging to each one in particular. But this is not the case with respect to the free circulation of men, to their successive residence,—that is to say, to their removal from one country to another, for the purposes of intercourse, traffic, mutual instruction, labour, &c. It is just, it is supremely just and humane, that each individual should seek his happiness in that part of the globe where he thinks he may best meet with it. It is difficult to point out any plausible inconvenience attached to this communion of the earth, for the benefit of all human beings, under the different circumstances we have just mentioned. On the contrary, there are in the preservation of this communion immense advantages, both for the happiness of each individual in particular, and for the perfection of human society in general. Is it not astonishing, that the most entire liberty of commerce is aimed at, as the highest point of perfection of this kind, and that the most entire freedom of communication among men is not considered as the acme of perfection of human society, whether for commerce itself, or for the progress of the sciences, the arts, and of all that can contribute to the happiness of human life ?

The second and third propositions are corollaries of the first. In fact, the object of the intercourse of men would not be attained, if foreigners did not find in the countries to which they repair, the enjoyment of civil rights upon an equal footing with the natives of the country, or nearly so.

If they cannot acquire property, hire, associate together, contract marriages, prosecute their legal claims, or dispose of the fruits of their industry,—of what advantage would be their abode in any country whatsoever? Besides, the enjoyment of these rights is quite as just, as it is that they should pay the same taxes, support the same burdens, and fulfill the same duties, as the natives. It is on account of this assimilation, and the numerous ties formed between the natives and the resident foreigners, by leases, marriages, or other contracts and establishments of every description, that it may with justice be said,—that foreigners residing in a country are also *members of the city, which holds its name of the new as well as of the old citizens; and that both these classes form the popular body.*

This being the case,—as foreigners ought not to be amenable to any other laws than those to which the natives are liable, so likewise they cannot be subjected to any penalty or pain, such as banishment, except in consequence of a law, after a legal trial and by virtue of a sentence.

It is useless to affect to consider the banishment of a foreigner as a matter of trifling importance: in vain will it be endeavoured to strip it of the attributes and features of a real penalty, or pain. If it be considered, that the foreigner in ques-

tion has perhaps incurred considerable expense in coming into the country, in conveying thither his effects and moveable property, in order to exercise his industry there; that he may afterwards, as we have remarked, make numerous arrangements, such as taking houses upon lease, entering into partnerships, or other important contracts*; that he may even marry in the country, &c. &c.,—it may then be readily conceived that a foreigner may suffer in a great, in an extreme degree from banishment, and even that it may possibly be for him the most cruel of punishments†.

* I have been told that the celebrated violin-player, Viotti, a Piedmontese, was expelled the country by virtue of the *Alien Bill*, after having entered into a considerable wine-concern in London; and that this expulsion occasioned him a very serious loss.

† Among that particular class of the refugees on account of opinions, whom the continental powers every where proscribe, might not some be found for whom banishment would be a sentence of death, and for others the forfeiture of the small wreck of their property? It is clear, that if they are driven from England, there is no secure retreat for them but America; and all do not possess health, strength, and pecuniary means for conveying themselves thither, and for their subsistence there.

It is there, indeed, that the Holy Alliance are anxious to see them collected, or rather dispersed. Their abode in England is not quite to the taste of the continental powers, as may be inferred from an article in the *Austrian Observer* of the 7th of last February, from which we shall extract some of the most remarkable passages.

The writer of that article first declaims against those who think that political crimes are entitled to more indulgence than ordinary ones. On the contrary, he thinks that they are the greatest of all possible crimes, because they induce more evils, and, in his opinion, threaten social order with entire destruction.

The progress of commerce, the advancement of the arts and sciences in general, to the same point

He then proceeds to examine another question, viz., "If it be just and humane to afford an asylum to those accused of these crimes in foreign states:" and he finds the affirmative totally untenable. "It is a very bold proposition (says he) to assert that he who has sought to disturb social order, in its most sacred maxims, should have nothing to reproach himself with against other states. What doubt can there be on the subject (exclaims he) after a truly federal body has been formed of all the states of Europe, firmly bound together by numerous alliances, one member of which cannot be severed or even wounded without all the rest suffering in a greater or less degree?"

It is here seen that England is already considered as forming a portion of this federal body.—But what follows has a still plainer allusion either to England or to Switzerland; and the author of the article openly disapproves the different manner adopted by those states, of regarding and treating the refugees on account of political crimes. "There is (says he) in some states, a kind of *special* law, or rather ancient customs, which cause these refugees to be received and *tolerated*"—(mark the term). "But if the question were to be judged according to the right of nations, the morality of people, and sound reason, it would not remain long undecided." The author of the article then undertakes to prove that it would be preferable to shelter homicides, murderers, highwaymen and incendiaries, than men charged with political crimes: "for the former (adds he) may at least repent, and amend; whilst the latter generally remain unshaken in their opinions, and firm in their adherence to their party; and far from repenting, they glory in their deeds." From these data, the author predicts that these refugees will seize every opportunity of disseminating their principles, of uniting themselves with the disaffected in foreign countries, of making, or at least of devising, fresh attempts for keeping up correspondence for bringing about, as much as is in their power, the ruin of the country which has received them, and for embroiling it with the other states.

which it had reached in the latter times of the Romans, and before the invasion of the Goths. Ab-

The author in the overflowing of his kindness vouchsafes one sole concession in favour of these refugees; he permits the United States of America, but only them, to afford them an asylum. His reason for this is so piquant, that we must give it in his own words. "The United States of North America," says he, "gradually formed from the refuse of the old continent, separated from Europe, and from its organic edifice, less by the vast ocean than by their primitive origin and by the form of government imposed upon them by necessity, (*who would ever have imagined that despotism is CHOSEN, and that constitutional Governments are IMPOSED?*) by particular interests; and by an indelible character impressed upon them by their position, (*may that character never be effaced, both for their own happiness, and for the example of mankind!*) have at all times opened their protecting arms to criminal foreigners. To contest this privilege with them would be ridiculous. (*What a pity that it cannot be contested!*) Europe (*this is a powerful motive*) cannot suffer much harm from it. (*Some harm however does result from it, according to the author of this article—in my opinion it is that of bad example.*) Europe should, on the contrary," continues he, "consider it a blessing that so many malignant humours which infected her blood, and disorganized her frame, can vent themselves into this vast sewer." London itself may be considered as one of these sewers, according to the lines quoted by one of the speakers in the debate upon the Alien Bill.

"London, the needy villain's common home,
'The sink and sewer of Paris and of Rome.'"

It is melancholy to find that the same dirty figure presented itself both to the English orator and the *Austrian Observer*.

"But in the European family," resumes he, "*(and certainly the British Isles form part of that family,)* a similar right of unlimited protection, even should the country priding itself upon it, and exercising it to the prejudice of the other states, style it-

solute power and civil and religious dissensions had from time to time interrupted the free circulation of mankind. Reason, however, was still triumphant, and till the period of the French Revolution the natives of the different states were seen travelling all over Europe without passports, and coming, going, residing, and settling wherever their inclinations prompted, unfettered by any of those po-

self the land of liberty, could be considered in no other light than as an anomaly in the rights of nations."

The article concludes by observing, that the favour of an asylum to the promoters of revolution is *destructive of every principle of justice*. "*It may, perhaps, be practised,*" adds the author, "*by some particular Government, but it will never be a principle recognised by the civilized world.*" According therefore to the writer of this article, we must exclude from the civilized world, England, and the United States of America; let us add also Switzerland, for assuredly all the Swiss Cantons, or nearly all, would have afforded hospitality to the refugee, had they possessed the liberty of action.

It may be presumed that the *Austrian Observer* dares not promulgate a different political doctrine from that held in honour upon the Continent. The only reflection I shall make, supposing this to be the case, is, that it is very difficult to persuade oneself that the Governments of those countries have not made, through their diplomatic agents, I will not say direct demands, or formal requisitions, such as have been addressed to the Federal Helvetic Diet, but representations of various kinds, and artful insinuations against the reception of refugees in England. True it may be that the Alien Bill has not been explicitly demanded; but they are *tolerably* well satisfied with it; it is for them that Ministers judge it to be necessary. How can it be imagined, that the diplomatic agents have never spoken upon the subject? It is thus that the assertions of the Ministers may be reconciled with probability; for the private conversations and *demi-épanchemens* of diplomatists are never considered as official.

lice-clogs unfortunately but too well known in the present day. Governments in general also manifested an eagerness to remove every obstacle to the free communication and mingling of the people, to abolish the rights of escheat or *aubaine*, and all other similar exactions.

The writer of the article *Étranger*, in the Encyclopedia published by Diderot and D'Alembert, attests this manner of thinking to have been almost universal throughout Europe at the period of which we are speaking. "Now that the whole universe," says he, "has become cemented by commerce; now that policy understands its true interests, and humanity diffuses its salutary influence over every nation, there is not a sovereign in Europe who does not think like Alexander" (referring to the edict of Alexander the Great, to which we have before alluded). "Every one is now convinced that nothing contributes more to the grandeur, power and prosperity of a state, than the freedom of access and residence which it allows to foreigners, and the care it takes to invite and permanently establish them by the means best calculated to that end. The United Provinces are a happy example of the results of such principles. Besides, few countries can be mentioned so barren as not to afford sustenance more than sufficient for their inhabitants, nor so limited in extent, as not to allow room for the accommodation of new comers. Lastly, if there still exist civilized states, in which foreigners are interdicted by the laws from acquiring landed property, making their wills, and disposing of their property, even if it be in favour of

the natural-born subjects ; such laws ought to be considered as the remains of those barbarous ages, in which foreigners were regarded nearly in the same light as enemies."

The use of passports was first introduced at the period of the French Revolution, and was followed by numerous other police regulations, a great number of which have been adopted by other Governments. From that time, foreigners could no longer travel nor reside where they pleased with the same freedom and security as before.

At the same time that a disposition to introduce the constitutional system into the different states of Europe was apparent, the most liberal intentions were shown respecting the communication and free intercourse of nations. The Treaty of Paris of the 30th of May of that year, speaks in article 6 of *facilitating communication between nations, and making them better acquainted with each other* ; the 16th article in a still more special manner granted to the inhabitants (whether natives or foreigners) of the countries which had changed their masters, the liberty of *removing into whatever country they pleased*. Article 28 confirms the abolition of the rights of escheat, or *aubaine*, and others of the like nature, in the country which had entered into a reciprocal stipulation to that effect with France, or which had been formerly united to her.

In France, the system of the civil code was retained, according to which, a foreigner there enjoys the same civil rights as are granted to Frenchmen by the treaties entered into with the nation

to which the foreigner belongs. And the fact is, that France has such treaties with almost every state in Europe.

But the Constitution of the kingdom of the Low Countries, and that granted to Poland in 1815 by the Emperor Alexander, contain provisions still more liberal towards foreigners. Article 4 of the Constitution of the Low Countries states, "that all individuals within the territory of the kingdom, whether natural-born subjects or foreigners, shall enjoy the protection granted to persons and property;" words which, if attentively considered, will be found to comprehend every thing; and consequently beyond which a foreigner can have nothing to desire.

The Constitution of Poland permits all Poles to leave their country, and to take up their abode wherever most agreeable to themselves; it likewise allows all foreigners to establish themselves in Poland, to possess landed property in that country, to quit it again if deemed expedient, and to re-enter it at their pleasure.

Some States of Germany have adopted similar measures.

England at this time was less advanced relatively to the rights granted to aliens. But she was at least more consistent in acting up to her own system of liberality, although that system was more confined than others*. The *Alien Bill* was only introduced

* In the Encyclopedia of D'Alembert and Diderot, under the article *Naturalization*, it is said that the question was then discussed in England, whether it would or would not be advan-

as a temporary measure, which was to cease with the circumstances under which it originated.

The Great Charter had provided that merchants might pass to and fro by land and by sea, at their pleasure, for the purposes of buying, selling, &c.

The term *merchants* is used, because in those days they were the only travellers; but the principle evidently extends to all foreigners, because there is the same reason for the provision, and because the Charter was always understood in this sense.

The same reason for the provision; because the communication between the different people of the globe for the advancement of the arts and sciences, is fully as valuable as that the object of which is the exchange of merchandize;—all these improvements, besides, mutually assist and promote each other.

The charter was always understood in this sense. Blackstone, in fact, regards aliens established in England as forming a portion of the English people. "The first and most obvious division of the English people," says he, "is into aliens and natural-born subjects." He then speaks of aliens residing in England, as persons having at the same time rights and obligations. "The oath of allegiance," he*

tageous for the nation to naturalize all foreigners settled in England, and Protestants in particular. The reasons *pro* and *con* are stated at length, and it is added that the advocates for the affirmative were the most enlightened of the English nation.

* Book I. chap. x. of his Commentaries.

observes, "may be tendered to all persons above the age of twelve years, whether natural-born subjects, denizens, or aliens;" for foreigners, during their residence in England, are considered as subjects of the king, as far as regards their allegiance, precisely as the natives of the country; and it is with respect to both these classes, that the same author remarks, "that the formal profession or oath of subjection is nothing more than a declaration in words of what was before implied in law." "Allegiance, both express and implied," continues Blackstone, "is however distinguished by the law into two sorts or species, the one natural, the other local; the former being also perpetual; the latter, temporary." The latter, although temporary and local, sometimes extends beyond the limits of time, and of the place of the actual residence from which it derives its origin. Blackstone has the following note upon the subject, vol. i. page 370, note 2:

"Mr. J. Foster informs us, that it was laid down in a meeting of all the Judges, that if an alien, seeking the protection of the Crown, and having a family and effects here, should during a war with his native country go thither, and there adhere to the king's enemies for *purposes of hostility*, he may be dealt with as a traitor. Fost. 185."—The reason is, that he has violated the implied contract with the prince, that, so long as the one affords protection, so long the other will demean himself faithfully.

Proceeding then to speak more particularly of the rights enjoyed by foreigners resident in England, Blackstone says that these rights, although more limited, are notwithstanding of the same na-

ture as those of natural-born subjects. Foreigners cannot purchase lands or other estates for their own use; but they may acquire a property in money and other personal goods, may have houses for their habitation, may trade as freely as other people, bring actions concerning personal property, may make a will, and dispose of their personal estate.

It must be observed that the denizen, that is, he who *ex donatione legis*, and by virtue of letters patent, has been made a British subject, is in a kind of middle state between an alien and a natural-born subject, and partakes of both of them. He may take lands by purchase or devise, which an alien may not; but he cannot be a member of the Privy Council, or either House of Parliament. From which it is evident that the English nation is really composed of three classes,—natural-born subjects, denizens, and aliens resident in the country, and that these three classes are mutually united and strictly bound together.

It likewise follows, that all the rights belonging to natural-born Englishmen belong also to denizens and aliens, excepting such as are expressly denied them either by special laws or by ancient custom; and that, by a further consequence, these rights belong to them in the same manner, to the same extent, and under the same guarantees.

One proof of this is, that aliens, both in civil and criminal cases, are tried by the same laws, by the same Judges, or court of justice, and that on their account, and upon their requisition, one half of the Jury is composed of foreigners.

Another most incontestable proof is, that since the Revolution of 1688 it has been considered necessary to obtain the special sanction of Parliament, to enable Ministers, that is the executive branch of Government, to possess the power of sending aliens, whenever they judge it expedient, out of the kingdom *. But (and which is well deserving of attention) I do not believe that even this act itself,—called the *Alien Bill*,—this Act, which originated and may again originate, in circumstances the most extraordinary,—empowers Ministers to prevent a foreigner *from landing in England* †.

* This opinion was entertained before the Revolution, but not so constantly. Mr. Denman, in the House of Commons, on the 12th of April last (1824) quoted on the subject in question Act 8, 22 Henry VIII., which distinctly conferred upon the Crown the power of proceeding against the Egyptians, or Gypsies, who had found their way into the kingdom, contrary to an existing law. In spite of this latter circumstance, and although the question only concerned the most degraded class in the kingdom, it was not thought that the Crown possessed of itself the prerogative of expelling them *summarily*.

† I am an alien; it is therefore very possible that I may mistake the true sense of an English Bill. It appears to me, however, that neither the letter nor the spirit of the Bill in question, confers upon Ministers the power of preventing foreigners from landing in England: this does not, of course, affect the right of sending them out of the kingdom, if there appear to be any sufficient grounds.

As to the *letter*, I have not been able to find any such enactment in the Bill. The *spirit* of the Bill appears to me directly adverse to it; for it is by no means the same thing to expell a person, after having seen, interrogated, and heard him, and to repulse him blindly and capriciously. Might not Ministers be deceived, either as to the person of the individual, or as to the

If it be true, that ancient and invariable custom is the best interpreter of the law,—that it is itself a law,—and if we connect this custom with the text before quoted from Magna Charta,—I think there cannot arise the least doubt as to the truth of the following propositions: *That foreigners residing*

motives they might have for not allowing him to reside in England?

The Bill admits the supposition that they may mistake, since it permits the alien to defend himself, and to present a remonstrance against the order given by the Minister for his expulsion, and to appeal to the Privy Council. In a word, the Alien Bill confers an arbitrary power; but a power which must be exercised with full knowledge of the facts, which must have the character of a legal decision, though perhaps somewhat more rapid than ordinary decisions.

I know that Ministers have subsequently given to it a different interpretation; for, not to mention the persons in the suite of Napoleon who were prevented landing (with regard to whom I do not know whether the regulations previously established as to the detention of Napoleon might justify such a measure), Sir Robert Wilson, on the 2d of April, quoted the case of Baron Eben, condemned to banishment by the Inquisition of Portugal, and not permitted to take refuge in England, although he had served for sixteen or seventeen years in the British army. What can we conclude from these facts, but that arbitrary power always grows in the hands of those who wield it, and that it is more easy to exclude than to limit it?

If I had to take part in the discussion on the Alien Bill, I should draw from these facts a new argument against the adoption of any such Act; and, as a subsidiary measure, I should propose an amendment, That Ministers should never be permitted to prevent the landing of any foreigner, even though it should still be thought expedient to subject him to the operation of the Alien Bill, if, after his arrival, and after he had been interrogated and heard, there should appear to be any reason for its application.

in England constitute an integral part of the English people ; that they are subject to the same obligations and charges, and owe the same fidelity and allegiance ; and that, by a parity of reasoning, they ought to enjoy the same liberties and franchises, and all the same rights, as natural-born subjects or denizens, with the sole exception of such as are denied them by established laws or by invariable custom.

The utility of this proposition consists in the exceptions being but few, while the rule is extended indefinitely to every case which is not itself an exception.

Again : How can another principle, in every other respect indubitable, be differently expounded, viz. *That there can be no slave upon British ground?* On what can this principle be founded, unless it be, that the British soil, impregnated with liberty, so vitally affects the foreigner at the very instant he treads it, that he starts forth from the condition of a slave to that of a freeman ? Why so ? Because, in pressing that hallowed ground, he becomes an English subject, and an English subject can never be a slave.

The story of the Negro Somerset is no doubt familiar to the reader. This man, having been attacked by (as it was supposed) an incurable disease, which deprived him of sight, was abandoned by his master as useless property, and reduced to beggary in the streets of London. His tale reached the ears of that great philanthropist Granville Sharp, who took him under his protection, restored him to health

and sight, and placed him in the service of a lady of his acquaintance. Here he remained, till one day being accidentally met by his former owner, he was at his instance imprisoned as a runaway slave. Mr. Sharp undertook his defence; and the case being brought into the King's Bench, it was decided, that the master had acted illegally, and that he could not recover the right of property over the Negro; for (as it was solemnly expressed) there are no slaves upon British ground.

That there are none but freemen upon the British soil, is not because only freemen can set foot upon it, but because all men by the very touching it become free; because that ground instantly transforms them into British subjects.

Hence it also arises, that he who is born in England of foreign parents, even if accidentally, is a British subject, and is so for ever; because the act of birth, the first act of life, is so irrevocable, that the consequences of it cannot be entirely destroyed.

Such being the spirit of the English Constitution, a spirit with which all its institutions and customs are imbued, I cannot conceive how it could be said, that a power might and ought to be granted, of treating foreigners differently from natives; that they might be dealt with more *summarily*; and that a peculiar power, with respect to them, should continually reside somewhere, in the Crown, by virtue of the prerogative inherent in it;—in the Crown, with the consent of Parliament, &c. The vagueness of these propositions sufficiently exposes their weakness. We have moreover fully demon-

strated, both on the soundest principles, and according to the laws and customs of England, that, on the contrary, foreigners are and ought to be subject to precisely the same laws, the same forms of legal procedure, and the same authorities as all other individuals of the English nation; and that the Government and the Ministers ought not to possess an *habitual* power over them, in any degree greater than that which they possess over all other Englishmen.

I say an habitual or ordinary power, for I am perfectly aware, that under peculiar circumstances extraordinary power may be delegated to them by law. But if the question be limited to ascertain if, within a given time, and under given circumstances, this extraordinary power should be intrusted to Ministers; this power, exceeding the limits of the British Constitution, and contrary to the liberties of England and of the English people;—if there exists a necessity for recurring to the grand maxim, “*Salus populi suprema lex*,” a maxim which silences at once all laws and all constitutions;—if the *Alien Bill* is to be enforced in the same manner as the Habeas Corpus Act might be suspended, as martial law might be proclaimed in the case of a popular tumult, or as measures of extraordinary severity might be adopted under the circumstances of a plague, siege, &c., it is evident that this question, always of an extraordinary and temporary nature, may be resolved without much hesitation.

Thus it is easy to conceive that the Alien Bill, introduced during the French Revolution, might be

considered necessary for the safety of the English nation *.

Has the case been the same at each successive re-enactment? I am afraid, that upon each of these occasions the fitness of this Act has been successively more doubtful.

Is it indispensable at the present moment, during a period of profound peace, and of so complete a triumph of absolute power upon the Continent? To gratify the possessors of this power, and to tranquillize their affected fears, must the liberties of England be suppressed, and must natural-born Englishmen, as well as *resident* Englishmen, renounce these blessings, and that too for an indefinite period? I say natural-born Englishmen, for the liberties of England are interwoven with each other; they are so firmly knit together †, that to pluck one thread

* It has been remarked, that even during the period of the most imminent danger, in the years 1715 and 1745, when the Pretender, supported by foreign powers, aspired to the throne of England, when both the north and south of this country were in rebellion, Ministers were still enabled to administer public affairs without the introduction of an Alien Bill.

† Foreigners, upon their arrival, especially if they intend to settle, intermingle with the natives; they lodge in their houses, enter into various engagements with them; in short, numerous are the ties and relations formed between them. The rupture of these ties, and the severing of these relations, effected by the application of the *Alien Bill*, may, after a certain time, materially injure both parties. But this is not all. It is impossible to oppress a foreigner residing with a native, without imposing upon the latter some obligations relative to him, to refuse him shelter, to denounce him, &c.; and this under certain penalties. Thus, by violating the liberties of the one, those of the other become equally endangered.

away, is to destroy the strength and beauty of the entire texture.

Constitutional principles have created the prosperity of this country, and still constitute its chief glory. Imperious necessity can alone justify even the slightest departure from them. Were the arguments adduced by Ministers as perspicuous, sound and pithy, as, in my humble opinion, they are obscure, rotten and powerless, I would still maintain the utter inexpediency of the Alien Bill *.

It is agreed, that the English Government is far from having cause of fear upon its own account.

As to foreign Governments, their anxiety and their fears are but idle dreams and vain chimeras. Good Heavens ! Millions of closely-wedged bayonets, enormous piles of gold, with all the means of power "to boot" on one side ; and on the other a few hundreds of men, the natives of five or six different nations, Spaniards, Portuguese, Frenchmen, Neapolitans, Piedmontese and Lombards, without money, without a chief who, by his rank or the splendour of his deeds, might become a rallying point ; with divergent if not opposite interests, unknown to each other, speaking a different language, the majority of them engaged in providing the means of daily subsistence ; some of whom have set off for America ; while others are scattered throughout the different towns of England, employing their talents in procuring an honest livelihood :—all in short sufficiently unfortunate to be considered eminently criminal.

* See Note B. Appendix.

Can this mere handful of men, separated by the ocean from their mother country, inspire the least alarm? Is there not even an inconsistency in the picture drawn of them by the Minister in the House of Commons*, and the apprehensions expressed? And is not the term *neutrality* rather ridiculous, when applied to the mightiest powers on one side, and such a party, or rather the wrecks of such a party, on the other? a party which no longer receives from the Minister of a free country the respect due to misfortune? It is true that fortunately this sentiment is not general, and that it ought not even to be considered as the original and natural sentiment of him who pronounced it, of him

* The refugees must not expect eulogiums, since they have not met with success. But they certainly did not expect the opposite treatment. The character of the orator is so well known, that the supposition is totally impossible; otherwise one would say that this part of his speech had been suggested to him, or rather that it had been penned, to gratify the continental powers. This will be the effect, whatever may have been his intention, and it may be injurious to the refugees, either with their own Governments or with their countrymen. Where was the necessity for this? Nearly the same observation will apply to the joke respecting Geneva. It could certainly be merely to put the House in good humour, that the orator mentioned a young Englishman, who galloping over the bridge at Geneva, and "*making*," adds he, "*the little republic shake to its foundations*," rendered himself amenable to the police." The intention may be innocent, but the effect is most pernicious. The strong smile at these words, which smack at least of contempt. Yes, the city of Geneva is small; but it is great by the illustrious men it has produced, and by its institutions. Is the Government of the Sultan the more to be esteemed from its vast extent?

who spoke so eloquently in favour of the Spaniards before their reverses, and who declared upon more than one occasion, that his heart beat as high as that of any man in favour of the sacred cause of liberty. In fact, the greater part of these refugees, some of whom belong to the higher classes of society, others to that middle class which constitutes the real strength of a state ; some distinguished by their talents, others by the honourable exercise of public authority ; some again, who have just quitted the Universities, or entered into the profession of arms, and of whom the highest expectations might be formed, the majority of these have excited a strong interest in the British people. Societies have been formed to afford them relief ; meetings have been held (amongst others, by the Common Councils of London and Nottingham) to petition Parliament against the renewal of the *Alien Act*, and the voices of several distinguished orators have pleaded their cause in the House of Commons*. Which amongst them has given occasion for the least complaint, during their abode in England ? What excesses have they been guilty of ? What crimes have they perpetrated ? Yes, one has been committed ; but it is of a species not always regarded as such, one which should excite still more powerfully the commiseration of feeling minds. Upon his landing at Portsmouth, one of the refugees, with his own hand, put an end to his misfortunes and his existence. The thought of separation from his native land, and the brooding over the

* These are Englishmen, who view the interest of England in a different light from Ministers.

misfortunes of his country, pressed too heavily upon his mind, and his reason forsook him*.

The unfavourable impression made upon the mind of the English Minister concerning these refugees, must then be solely attributed to the insinuations of foreign powers, to the artifices of the police (who very frequently invent the most scandalous lies), to their unfortunate situation, and to a combination of other circumstances. This Minister is perhaps more open to it than many others would be, because he is less hackneyed in the arts of despotic Governments, and has more frankness and honesty in his composition. It is certain that the English Ministers know nothing of the refugees, either of themselves, or through the medium of spies, the employment of whom they disclaim. It is therefore only through foreign *espionage*, or from reports equally unworthy of credit, that they have been brought to believe that the same individuals are both dangerous revolutionists, and persons of not the least importance. By these means, it is said, a fact has come to light, which can neither be disproved, nor reduced to any consistency, since the disclosure has not been full and complete; it is this fact which has determined Ministers to propose the renewal of the *Alien Bill*; and it is still further upon the vague assertion of the existence of such a fact†, that the

* The advocate Luzzi, a member of the Junta at Turin, under the constitutional regime.

† The Minister described it as *a plot formidable in its object, and no ways contemptible for the means by which it was to be executed*.

Mr. Tierney in the sitting of the House of Commons on the 2d of April, and Lord John Russell in that of the 12th, main-

House of Commons have, in full confidence, passed an Act which strikes at the principles of the British Constitution a blow which, as we have before said, necessity the most evident and imperative could alone justify.

The Ministers have said that they never abused the extraordinary powers intrusted to them by the *Alien Bill*. This is not sufficient to dispel all fears of its abuse in time to come ;—it is already, in my eyes, a great abuse, that a power acknowledged to be extraordinary, has been renewed so often as to habituate the nation to it ; and that it is now boldly asserted that a power of this nature, or something similar to it, is absolutely necessary, and ought to pass into an established law. Would such a doctrine have been hazarded the first time the *Alien Bill* was proposed? Such are the steps towards arbitrary power, furnishing another proof, were it necessary, that principles are never violated with im-

tained, and in my opinion very plausibly, that a real conspiracy against a foreign power could not exist in England, since troops could neither be enlisted, nor set in motion, nor any enterprise of a serious nature be undertaken ; since, in short, the conspirators could not command any of the principal sinews of a conspiracy. They observed that it was absurd to transform into conspiracies, vague declamations, insignificant projects, and unrestrained conversations. “ It would not be the first time,” said Mr. Denman, “ that plots had been gravely and solemnly announced to the House, which upon examination were found to be imaginary and ridiculous, and which nevertheless were made a pretext for depriving the country of its liberties, and for suspending the Habeas Corpus Act. He alluded more particularly to a plot discovered by Lord Sidmouth, chiefly by means of the testimony of Oliver.

For my part, not wishing to contradict the Ministers who asserted the fact, I shall content myself with remarking that there are cases in which the truth is not always probable, but that such cases should not, in my opinion, be made the ground for passing new laws.

punity. Arbitrary power, in its birth, is always under restraint; sometimes it is indeed very mild, is exercised with considerable utility, and in the most praiseworthy manner. But it does not preserve this character; it afterwards extends itself beyond all limits, and beyond all conception, and ends by contaminating every branch of the Administration.

All liberties uphold each other, and all arbitrary powers do the same. Let the English people, however great the coldness towards foreigners which they may be supposed or desired to feel, be upon their guard against viewing with indifference their Ministers tampering with arbitrary power. Let them take alarm even should they see that Ministers not only do not abuse it, but employ it in a manner the most laudable; for it is certain, it is in the unalterable nature of things that their successors will not exercise the same self-denial. Let their alarm be still further increased, if the arbitrary authority confided to their rulers be of the same nature as that which is exercised by any of the continental Governments; most especially, if it tends to place the former in direct and continued intercourse with the latter in matters connected with the police. Their vigilance should never flag, however great the personal merit of the actual Ministers, if this arbitrary authority be in the least degree productive of utility, pleasure, or satisfaction to despotism. The English Ministers are right in endeavouring to keep at peace with despotic Governments; but it is only free and constitutional Governments that they should be desirous of pleasing. Can they sympathize equally with both?

Above all, the jealousy of the English should be

ever alive to any fixed and permanent regulations of police. If they are not of the simplest kind and limited by the strictest necessity, if their execution be not purely directed to assist the ends of justice, these regulations will always be fatal abridgements of the liberties both of natives and foreigners. In progress of time they will gradually become more corrupt and more oppressive, and the evils created by them will be far greater than those for the cure of which they were pretended to be introduced.

Far from imitating the example of the continental Powers, let these rather instruct us to persevere in the broad path of a free and generous liberty with respect to foreigners, and never to swerve from it but in those extreme cases, in which the public safety requires it, and then only for the shortest possible time.

It has been before observed, that the necessary and habitual use of passports upon the Continent cannot be dated further back than the French Revolution. From the commencement, they appeared under a form the most innocent, nay even pleasing, for they were conceived in terms of recommendation from one Government to another in favour of the individual who was the bearer. From so insignificant a beginning, they have reached the point of becoming in many countries the instrument of a vexatious exercise of authority and of undisguised tyranny. By refusing a person his passport, he is denied the means of travelling, and thus they imprison within the State all those whom they are desirous of detaining*. Passports have introduced in

* It is notorious that the subjects of Austria are in this situation. But perhaps it is not so well known to be the case with

their train the *visa* of foreign Ministers of the several countries (upon whom the liberty of residing there is sometimes made to depend), the licenses or permits of abode, the obligations imposed upon innkeepers, and even upon private individuals, of giving information of their lodgers, of the time of their arrival and removal. To these succeed descriptions of the person (*signalement*), spies of every class, *gens d'armes*, domiciliary visits, seizure of papers, registers, and tables of personal estates, made out according to the caprice of the *bureaus*, the correspondence with foreign police offices, the violation of the secrecy of letters, &c. &c.

Englishmen, you will have all these detestable appendages of police, if you adopt a permanent regulation for foreigners, after the fashion of those which have been for several years in force upon the Continent, and which have gradually been acquiring greater strength. You will have these in full operation; not indeed in the present times, not indeed under the present Ministers, who spurn even the remotest supposition that the Alien Bill has been introduced into Parliament with a view to gratify foreign powers; but they will not fail to

other countries. The following is what takes place in Prussia. Conformably to a decree of the 9th of April 1823, the delivery of passports for France is to be restricted to persons able to give full satisfaction as to the motives of their journey, and who are free from suspicion. An order from the Minister of the Interior and of the Police, nearly about the same period, announced that passports for Greece and Spain would be granted to such only whose request should be accompanied by a declaration in writing, describing their connections, &c.,—which paper must be submitted to the Minister for his decision.

arrive in the course of time ; the propensity to it is so strong, that the police and all those who are concerned in the application of this power, take delight in it, and eagerly have recourse to it, not only because it aids the extension of their power, but also because the details and informations of the police serve to forward many private designs, and furnish considerable amusement for the leisure of the great. Englishmen, rather be content to run some risk from any wicked or senseless foreigner whom chance may have landed upon your shores, and whom you may restrain and curb as easily as you would a similar character among yourselves ; but do not defile the land sacred to liberty with these foreign pollutions, do not incorporate them with the British soil.

If by a permanent regulation you give a footing to such abuses, you will see the encouragement you will receive, the insinuations with which you will be plied, the wants which will be created even amongst yourselves, the fears which will be affected, and the measures of increased severity, which will be represented to you as necessary. You will see . . . But it is painful for me to make such predictions, and I hope that they may never be accomplished. Besides, as this is to be a permanent regulation, you would doubtless wish to assimilate it as much as possible with British institutions. Here again is a law exceedingly difficult to project. In fact, according to the design which may be attributed to Ministers, it should consist of two parts, the one relating to the admission of foreigners, the other to the exclusion of those foreigners who in certain

cases have been already admitted. The first part would necessarily require an inquisition very prejudicial to the influx of foreigners, and to commerce in general; it would bring the English police into contact with the police of foreign countries, which, in my opinion, would be in the highest degree pernicious. The second part would easily break in upon the laws and the liberties of England; since, as we have before shown, foreigners, while they remain in this country, are, with the exception of certain restrictions, assimilated with British subjects, and that consequently they ought not to suffer a real punishment, such as that of banishment, without a previous trial by Jury, and without the punishment being provided by an Act of Parliament.

I have dwelt at considerable length upon the subject of this intended police regulation, announced by the Minister in the same breath that he said the *Alien Bill* would not be renewed after the expiration of its present term. The evils of such a measure have struck me more forcibly than even the *Alien Bill* itself*, and should have a si-

* It appears to me that the whole should be limited to a few simple regulations, requiring that all foreigners who arrive in England should render an account of themselves, declare their names, age, country, profession and means of subsistence;—that they should present their papers, if they have any, or refer to some person of known respectability in proof of these declarations. This would be perfectly just, to counterbalance the knowledge which, on the other hand, Government must be supposed to possess of all these particulars, with respect to persons born in the country. But passports should on no account whatever be required; in the first place, because

milar effect upon every true friend of English liberty. That his fears might be aroused, I have made him acquainted with some of the practices of the continental police ; but I have not divulged all I know, and I am very far from knowing all. I should now add that these regulations are nearly the same in every country. In Switzerland, in Italy, in France, in Germany, in the small as well as in the large towns, are found the same registers, the same *bureaus*, the same interrogatories, the

the true passport of man should be the "human face divine," that likeness of the Creator and Governor of the world, who has given man the right of roaming over the whole earth, and not to skulk into a few corners of it, not to have his person described by others like himself ; in the second place, because it does not always depend upon the individual to have the passports of his Government in his possession. The use of such documents ought to be proscribed in every free country, since, destined originally to facilitate the intercourse of men, they are now acknowledged to be the most powerful means of preventing, suspending, and obstructing it, and of directing and extending the system of *espionage*. A passport is not to be procured or examined at an hour's or a moment's notice ; and when obtained, you cannot proceed a mile, you cannot go through a town, you cannot arrive upon a frontier, but it must be shown and registered, and after being stamped and sealed, have the *visa* endorsed upon it : at the end of a few months its back is covered with these vouchers, and in a short period longer its efficacy expires, it perishes in your possession, and becomes a mere bit of waste paper ; a new passport is necessary, which undergoes the same fate in six months' or a year's time. By these means your course may be known to all the police establishments in Europe, which are now connected by ties of strict brotherhood ; every step you take will be followed, all your proceedings will be observed, and, what is still worse, will be misrepresented.

same annoyances every where. This assimilation must necessarily have been produced by their contact, by the spirit of imitation, and by the influence of the preponderating States. In my idea, the internal police of a country truly free should be of a nature diametrically opposite, and the police of England in particular ought to be as far removed from that of other countries, as her political constitution is superior to the institutions of every other part of the Old World.

APPENDIX.

NOTE A.

LANGIUS, a native of the Low Countries, who wrote, in the middle of the 16th century, Commentaries of considerable reputation on Cicero's Offices, and who was one of the most judicious critics of his age, remarks on this passage of Cicero, that in his country foreigners of every description were admitted with great facility to the rights of citizenship, and that in this respect the government of the Netherlands was much more humane than that of Sparta or of Rome. I beg my readers to observe here that this testimony is contemporaneous with that which I shall cite further on with regard to Savoy, Italy and France. It shows that in another of the most powerful countries of Europe, the same opinions concerning the treatment of foreigners were held and acted upon. These opinions, after a lapse of two centuries and a half, were again prevalent, and were permanently embodied in the existing Constitution of the Low Countries, of which I shall hereafter have occasion to speak.

NOTE B.

ONE of the Ministers who spoke in favour of the Bill in the House of Commons, in proof of the necessity for its adoption, affirmed, that a similar power of acting *summarily* towards

foreigners—that is to say, of neglecting formalities in their case—every where exists. This proposition is true in one sense, and false in another. It is false as it regards the legislation of almost every other country. In the greatest number of the states of Europe there exists no written law for preventing foreigners from dwelling, from trading, and from enjoying the most important civil rights; nor is there any law authorizing Ministers to expel foreigners at their pleasure. This is however done, whenever it appears expedient, with the greatest facility, and in this sense the proposition is true. Let it however be observed, that in the same countries it is equally common to interdict the practice of a profession, to imprison, or to banish at pleasure, without either legal process or sentence, and that these *summary* proceedings are adopted not only towards foreigners but towards natives. Surely English Ministers will not found their claim to such powers upon the exercise of similar powers in some vast empires of Europe. The argument advanced, then, proving too much, proves nothing. In a word, the power of expelling foreigners is in the countries alluded to only a branch of arbitrary power. The arguments for the necessity of the *Alien Bill*, or any similar regulation, must therefore, in a country like England, be drawn from any other circumstances rather than from the example of foreign States.

POSTSCRIPT.

I HAD committed to paper the foregoing observations without making immediate reference to the Bill in question; being afterwards led by curiosity to do this, I was forcibly struck by the 10th article, which appears to me of so arbitrary a nature, that I am surprised the Minister himself did not deem it expedient to withdraw it, or that some one of the Opposition members did not move for its suppression by means of an Amendment. The substance of this article is, that any mayor, alderman, justice of the peace, or other magistrate, may, by virtue of the special authority of one of the principal Ministers of State, or of the Secretary of the Lord Lieutenant or Chief Governor of Ireland, or by virtue of a general authority given by the King in Council, *cause to be arrested or detained any foreigner whatsoever, whom he may have reason to suspect to be dangerous,*

until the King's pleasure be known ; provided only, that he give immediate information of the fact to one of the principal Secretaries of State, or to the Secretary of the Lord Lieutenant or Chief Governor of Ireland, and that he acquaint him with the reason of such suspicions. This is enjoined, adds the article, in order that His Majesty, or the Lord Lieutenant or Chief Governor, may determine what may be fit to be done thereon. And the King, or the Lord Lieutenant above mentioned, may then either cause the said foreigner to be discharged, or to be ordered out of the kingdom. I know not what can be imagined more despotic, more truly *summary*, than to begin by arresting and detaining a person because he is suspected—and suspected of what? of a crime committed? No, suspected of being dangerous. And for how long a time is this detention? Until the *pleasure of His Majesty be known*; in other words, until it be known what the King or his Ministers may think fit to be done thereon.

They may order his expulsion ; and powers to the same effect are conferred upon the Lord Lieutenant of Ireland. Can a foreigner, under such circumstances, appeal to the Privy Council? I know not. The spirit of the English law would lead to that conclusion, but the order of the articles of the Bill appears unfavourable to it. Whether there do or do not exist such an appeal, to begin by arresting and detaining any man on suspicions so vague, appears to me a measure of great severity, and completely uncalled for in England at this season of profound peace, and of unusual strength and prosperity on the part of the Government. It will be said, that this power has never been used :—this is not enough. Although it should remain for ever in the same state of inaction, it is a regulation wholly at variance with the legislation of a free people, and calculated to place foreigners under a *surveillance* which nothing but imperious necessity can render advisable.

THE END.

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